

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 05/01/2023

-----X
LORI GARDNER-ALFRED et al.,

Plaintiffs,

-v-

FEDERAL RESERVE BANK OF NEW YORK,

Defendant.
-----X

22-cv-01585 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Clerk's Office received the attached document. The Court does not believe that any action needs to be taken in response to this "notice." Any party who believes that the document requires action by the Court shall file a letter on ECF by the end of this week.

SO ORDERED.

Dated: May 1, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge

UNITED STATES DISTRICT COURT

GARDNER-ALFRED et al,
Plaintiffs

V.

Case#1:2022cv01585

FEDERAL RESERVE BANK of NEW YORK,
Defendant

NOTICE OF SUBSTITUTION OF DEFENDANT

The Defendant FEDERAL RESERVE BANK of NEW YORK assets have been arrested (SEIZED FEDERAL SECURITIES #14-202658 BCT).

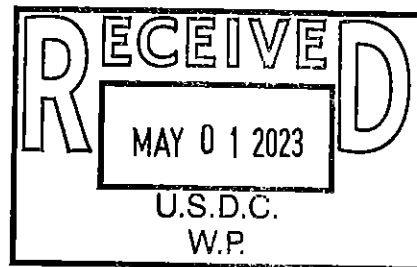
The United States Department of the Treasury is the real party in interest and is automatically substituted. See attached.

CERTIFICATE OF SERVICE

I declare under penalty of perjury that this notice has been served by U.S. Certified Mail on all parties.

Dated 04-28-2023

/s/ DUANE LETROY BERRY (Federal Trustee)
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220





**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

January 24, 2023

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2023-117

Federal Circuit Short Caption: In re: Seized Federal Securities

Date of Docketing: January 24, 2023

Originating Tribunal: United States District Court for the Northern District of Texas

Originating Case No.: 3:21-cv-00393-D-BT

Petitioner: Seized Federal Securities

A petition for writ of mandamus has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

The following filings are due within 14 days of this notice:

- Entry of Appearance or Notice of Unrepresented Person. (Fed. Cir. R. 47.3.)
- Certificate of Interest. (Fed. Cir. R. 47.4; not required for unrepresented and federal government parties unless disclosing information under Fed. Cir. R. 47.4(a)(6))
- Docketing Statement. Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 33.1 and the Mediation Guidelines; no docketing statement is required in cases with an unrepresented party)
- Statement Concerning Discrimination in MSPB or arbitrator cases. (Fed. Cir. R. 15(c); completed by petitioner only)
- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

UNITED STATES SUPREME COURT

IN RE: UNITED STATES DEPARTMENT OF THE TREASURY

Case#
USCA#2023-00117

**RULE 22 APPLICATION FOR COURT TO ENFORCE ITS U.S. MARSHALS
TO: Chief Justice John G. Roberts**

On 7/8/21 and 7/23/21 under the direct ORDER of the United States Department of the Treasury, the undersigned Applicant and also the Respondent in the lower court, the U.S. Marshals Service arrested CLASSIFIED SEIZED FEDERAL SECURITIES per. I.R.S. taxpayer account #56-0906609 BANK OF AMERICA and #14-202658 BCT and a portion is now held in this Court's U.S. Marshals custody. See attached U.S.M.-285.

Please direct the Court to ORDER its U.S. Marshals to return the property per. newly submitted U.S.M.-285 forms instruction.

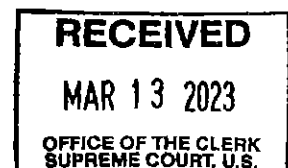
"Since in statutory scheme, office of Marshal exists as arm of office of Attorney General, commitment to Marshal can only be construed as commitment to Attorney General." (See United States V. Howard, 545 F.2d 1044, 6th Cir. 1976)

Dated: 3-03-2023

/s/ Duane L Berry
United States Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, DC 20220
(Applicant)

/s/ Ioana Cristei Meyer
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)

/s/ Elizabeth Prelogar
Solicitor General
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)



Case: 23-117 Document: 4-2 Page: 1 Filed: 02/14/2023

FORM 30. Certificate of Service

Form 30
July 2020**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE**Case Number 2023-117Short Case Caption In re: Seized Federal Securities

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 02/14/2023

by ☒ U.S. Mail ☐ Hand Delivery ☐ Email ☐ Facsimile
☐ Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Seized Federal Securities	PO Box 381292 Clinton Township, MI 48038

☐ Additional pages attached.Date: 02/14/2023Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

UNITED STATES DISTRICT COURT

**U. S. DEPARTMENT OF THE TREASURY,
PLAINTIFF**

V

CASE#4:2021-cv-03610

**SEIZED FEDERAL SECURITIES,
DEFENDANT**

United States Courts
Southern District of Texas
FILED

MAY 23 2022

CEASE AND DESIST

Nathan Ochsner, Clerk of Court

TO : ALL 3RD PARTY SERVICE PROVIDERS , et al
RE:(ATTACHED DEFENDANT) FEDERAL RESERVE BANK OF NEW YORK
33 Liberty St. New York, NY 10045

Per. attached 11th Circuit ORDER and supplemental attachments, the (ATTACHED DEFENDANT) has been arrested. Any service provider, contractor, agent, merchant, primary dealer, employee, recipient, class member, payment processor, settlement administrator, payer, payee, intermediary-corresponding bank, and any other person or custodian shall immediately cease and desist all operations, terminate, close, disconnect all services, utilities, registrations, payments, settlements, checks, drafts, invoices, wire transfers, phone-internet, contracts, subscriptions, work- orders, accounts, licenses, leases, bonds, permits, postal-mail, electronically stored info., etc. with the above- mentioned (ATTACHED DEFENDANT) within 72 hours of receipt, and return evidence of termination along with any property, U.S. Treasury bonds, or money received from the (ATTACHED DEFENDANT) made payable TO: Trustee Recovery Account, P.O. Box #381292 42383 Garfield Rd. Clinton Township, Mich. 48038.

Whereas, 3rd PARTY is also subject to binding compliance of the National Security Act per. attached warrants in which disclosure to anyone of arrest and cease and desist is prohibited. Failure to comply within the specified time is subject to further arrest and seizure of 3rd PARTY'S assets by the U. S. MARSHALS or any local or state law enforcement officers.

Dated 05-12-2022

**U.S. DEPARTMENT OF THE TREASURY,
PLAINTIFF**

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 21-11738-J

U.S. DEPARTMENT OF THE TREASURY,

Plaintiff - Appellee,

versus

SEIZED FEDERAL SECURITIES,

Defendant,

DUANE L. BERRY,

Interested Party - Appellant.

**Appeal from the United States District Court
for the Northern District of Georgia**

ORDER:

The Appellant's motion to stay pending appeal, construed from motion to stay all Orders, Judgments, Mandates, Proceedings or otherwise in this action is GRANTED to the extent that this appeal shall be stayed for a period of sixty (60) days. The Appellant may file a renewed motion for stay at the expiration of the sixty (60) day-time period if necessary.

The Appellant is directed to file a monthly status report on the 15th of every month until the stay has been lifted.

/s/ Robin S. Rosenbaum
UNITED STATES CIRCUIT JUDGE

UNITED STATES COURT OF APPEALS

**UNITED STATES DEPT. OF THE TREASURY,
PLAINTIFF**

V.

CASE#21-11738

**SEIZED FEDERAL SECURITIES,
DEFENDANT**

_____/

STATUS REPORT BY ORDER

The ORDER has been satisfied to the extent that the Plaintiff has arrested and taken custody of the Defendant by attachments through its Federal Trustee Duane L Berry and the U. S. Marshals Service. No further stay is necessary. See attached executed warrants.

**/s/Duane L Berry
FEDERAL TRUSTEE**

UNITED STATES DEPARTMENT OF THE TREASURY
1500 Pennsylvania Ave. NW
Washington, DC 20220

U.S. Department of Justice
United States Marshals ServiceCase 1:22-cv-03610 Document 10
PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF U.S. DEPARTMENT OF THE TREASURY		COURT CASE NUMBER 1:21-cv-00717-CP
DEFENDANT SEIZED FEDERAL SECURITIES		TYPE OF PROCESS WARRANT
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN CNN	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 1 CNN Center, Atlanta, GA 30303	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		
U.S. DEPARTMENT OF THE TREASURY Attn: Mr. Brent J. McIntosh (General Counsel) 1500 Pennsylvania Ave., NW Washington, DC 20220		Number of process to be served with this Form 285 1
		Number of parties to be served in this case 1
		Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

FOLD

PLEASE MAINTAIN LEAKED TAX RECORDS, 'SEIZED FEDERAL SECURITIES'
(Defendant) in your custody until further notice

FOLD

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

6/16/21

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. A19	District to Serve No. A19	Signature of Authorized USMS Deputy or Clerk <i>Janine Bane</i>	Date 7/8/21
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed, as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

Linda Banks

Address (complete only if different than shown above)

*289 Colver Street**Lawrenceville, GA 30046*FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

AUG 16 2021

KEVIN R. WEINER, Clerk
By: *SP*☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Date

Time

1344 21 1140

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges
(including enforcements)

Forwarding Fee

Total Charges

Amount Deposited

Amount paid to U.S. Marshal or
Amount of Refund

\$492.24

\$0.00

REMARKS:

1) 404-827-1500 2) legal dept 4-827-4987 3) CT Corp 289 Colver St. S
General *Kelly* *Lawrenceville*

PRINT COPIES

1. CLERK OF THE COURT

2. USMS RECORD

3. NOTICE OF SERVICE

4. BILLING STATEMENT: To be returned to the U.S. Marshal with payment

if any amount is owed. Please remit promptly payable to U.S. Marshal.

5. ACKNOWLEDGMENT OF RECEIPT

* see capture report for list of charges.

PRIOR EDITIONS MAY BE USED

 Form USM-285
 Rev. 12/15/80
 Automated 01/00

USM-285 (Rev. 10-1-2018) Fill on this form and bring to court. Sign as required and return as specified below.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF U.S. DEPARTMENT OF THE TREASURY	COURT CASE NUMBER 1:21-cv-00717 CAP
DEFENDANT SEIZED FEDERAL SECURITIES	TYPE OF PROCESS SUB POENA/WARRANT

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN MARTINS TOWING INC
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 17100 D.Y. KLEBO HWY, BIRMINGHAM, MI 48219

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

**U.S. DEPARTMENT OF THE TREASURY
Attn: Mr. Brent J. McIntosh
(General Counsel)
1500 Pennsylvania Ave., NW
Washington, DC 20220**

Number of copies to be served with this Form 285

Number of parties to be served in this case

Check for service to U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Residence and Alternate Address, All Telephone Numbers, and Estimated Times Available for Service):

121

(SEE ATTACHED WARRANT)

Signature of Attorney (other Originator requesting service on behalf of):

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUL 29 2021

KEVIN P. WEINER, Clerk
BY: [Signature] Deputy Clerk

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of papers indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin 39	County to Serve MI	Signature of Authorized USMS Deputy or Clerk [Signature]	Date 7/23/21
----------------------------------------------------------------------------------------------------------------------------------	---------------------------	---------------------------------	------------------------------	--------------------------------------------------------------------	------------------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Ashley Poore (Office Manager)

Address (complete only if different than shown above)

Same as above

☒ A person of suitable age and discretion then residing in defendant's usual place of abode

Date
7/23/2021 Time
9:43 ☒ am ☐ pm

Signature of U.S. Marshal or Deputy
[Signature] #3909

Service Fee	Total Mileage Charges (including out-of-pocket) 14 miles / 1 hour	Forwarding Fee	Total Charges	Advance Deposits	Balance Due to U.S. Marshal or Marshals Office \$0.00
-------------	-----------------------------------------------------------------------------	----------------	---------------	------------------	--------------------------------------------------------------------

REMARKS:

Served without incident to Ashley Poore, Office Manager of Martins Towing INC. on 7/23/2021 @ 0943 hrs.

PRINTED COPIES:

1. CLERK OF THE COURT # 1 endeavor 7/27/2021
2. USMS RECORD # 14 miles
3. NOTICE OF SERVICE
4. BILLING STATEMENT* To be returned to the U.S. Marshal with payment. If any amount is owed, please remit promptly payable to U.S. Marshal
5. ACKNOWLEDGMENT OF RECEIPT # 1 hour

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12-15-20
Automated 04/02

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon:

**FEDERAL RESERVE BANK OF NEW YORK
33 Liberty St.
New York, N.Y. 10045**

**THE FEDERAL RESERVE BANKING SYSTEM
CHAIRMAN JEROME POWELL
20TH St. and Constitution Ave. N.W.
Washington, D.C. 20551**

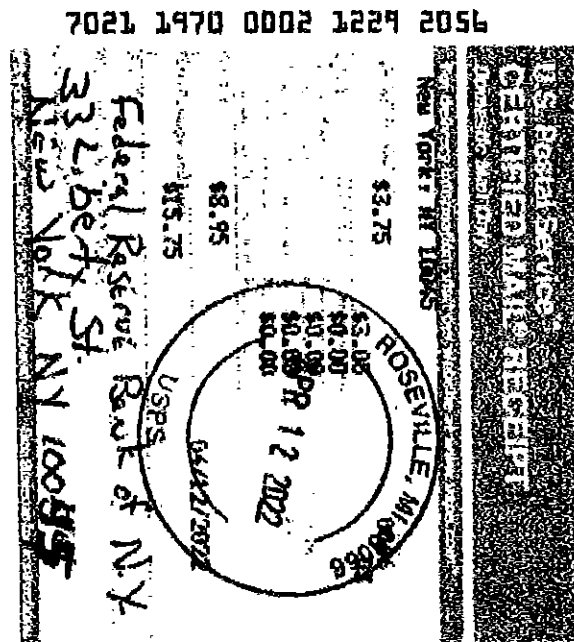
**U.S. SENATE COMMITTEE ON BANKING
534 Dirksen Senate Office Bldg.
Washington, D.C. 20510**

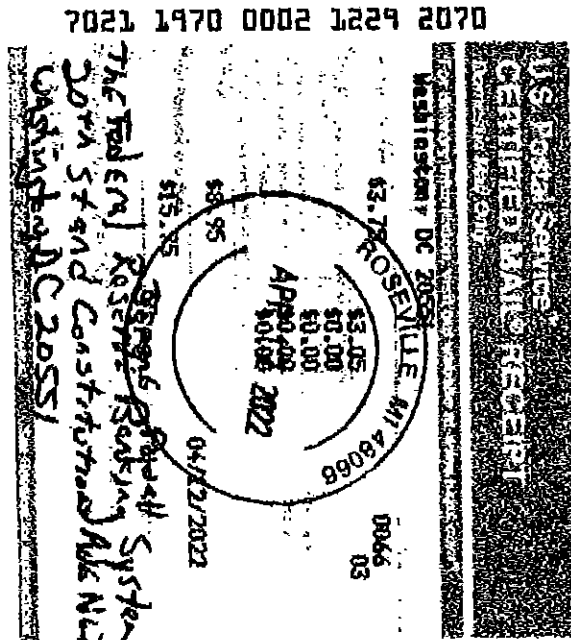
**U.S. HOUSE COMMITTEE ON FINANCIAL SERVICES
2129 Rayburn House Office Bldg.
Washington, D.C. 20515**

By U.S. Certified Mail, see attached receipts

Dated: 04-12-2022

**/s/DUANE L. BERRY
FEDERAL TRUSTEE**





PRESS FIRMLY TO SEAL



CERTIFIED MAIL



7021 2720 0001 9067 9317

- Expected delivery date specified for domestic use.
- Most domestic shipments include up to \$50 of insurance (restrictions apply).*
- USPS Tracking® included for domestic and many international destinations.
- Limited international insurance.**
- When used internationally, a customs declaration form is required.

*Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.

** See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

United States Court
Southern District of Texas
FILED

MAY 23 2022

Lashon Ochsner, Clerk of Court

AT RATE ENVELOPE

ATE ■ ANY WEIGHT

ACKED ■ INSURED



PS00001000014

EP14F May 2020
OD: 12 1/2 x 9 1/2



USPS.COM/PICKUP

To schedule free Package Pickup,
scan the QR code.



1004



77002

PRIORITY MAIL

U.S. POSTAGE PAID
PM 2-074
STERLING HEIGHTS, MI
MAY 21, 22
AMOUNT
\$15.75
R2308H144236-10

FROM:

UNITED STATES DEPT. OF TREASURY
1500 PENNSYLVANIA AVE. NW
WASHINGTON, D.C. 20220

RETURN RECEIPT REQUESTED

TO:

U.S. District Court
Southern District of Texas
Clerk: Nathan Ochsner
515 Rock Ave.
Houston, TX 77002

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. HOLD AT DOTTED LINE.

CERTIFIED MAIL®



PRESS FIRMLY TO SEAL



TES VICE® | PRIORITY® MAIL

7022 3330 0000 2558 7913

- Domestic shipments include \$100 of insurance (restrictions apply).*
- USPS Tracking® service included for domestic and many international destinations.
- Limited international insurance.**
- When used internationally, a customs declaration form is required.
- *Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.
- **See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. District Court
Southern District of New York
Clerk of the Court
300 Quarropas St
White Plains, NY 10601



9590 9402 7956 2305 6855 21

2. Article Number (Transfer from service label)

7022 3330 0000 2558 7913

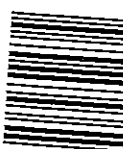
COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☐ Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

- 3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail (over \$500)
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery
- ☐ Priority Mail Express®

FROM:



U.S. POSTAGE PAID
PM
CLINTON TOWNSHIP, MI
48098
APR 29, 23
AMOUNT
\$17.15
R2305M144006-32

UNITED STATES DEPT. OF TREASURY
1500 PENNSYLVANIA AVE. NW
WASHINGTON, D.C. 20220

U.S. District Court
Southern District of New York
Clerk of the Court
300 Quarropas St.
White Plains, NY 10601

